

Session IX. 1858 (January to February 1858)

1. The Waste Lands Regulation Amendment Ordinance 1858

Whereas certain Regulations for the Disposal, Letting, and Occupation of the Waste Lands of the Crown in the Province of Canterbury were issued by the Governor of New Zealand in a Proclamation bearing date at Auckland the Twelfth day of February, one thousand eight hundred and fifty-six, and the said Regulations were amended by certain other Regulations issued by the Governor in a Proclamation bearing date at Auckland the Fourteenth day of August, one thousand eight hundred and fifty-six: And Whereas, under and by virtue of an Act of the Imperial Parliament, passed in the Session holden in the Fifteenth and Sixteenth years of the reign of her present Majesty, entituled "An Act to Grant a Representative Constitution to the Colony of New Zealand," and of certain Acts of the General Assembly of New Zealand, entituled "The Provincial Waste Lands Act, 1854" and "The Waste Lands Act, 1856," respectively, the Superintendent and Provincial Council were empowered further to amend the said Regulations, and the same wer accordingly amended by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury, entituled " The Waste Lands Regulations Amendment Ordinance, Session VII., No. 2:" And Whereas it is expedient that the said Regulations should be further amended:

Be it therefore enacted by the Superintendent of the Province of Canterbury, with the advice and consent of the Provincial Council thereof as follows:—

1. Regulations, 33, 51, 52, 65, 66, repealed.

The Regulations standing as the 33rd, 51st, 52nd, 62th and 71st in the said Regulations shall be and the same are hereby repealed; and the Regulations in the Schedule to this Ordinance shall stand in the place thereof and shall have the force of law as a part of the said Regulations.

2. Title.

This Ordinance shall be entituled and may be cited as the " Waste Lands Regulations Amendment Ordinance, 1848," Session IX., No. 1.

Schedule.

33. Upon payment of the Purchase Money in full, the Purchaser shall receive from the Commissioners a " License to Occupy," in the form set forth in Schedule A to the Waste Lands Regulations, and such License shall be restored to the Commissioners upon receipt of a Crown Grant of the Land purchased.

51. The Fee shall be paid to the Treasurer of the Waste Lands Board every year in advance: for the first year, on the issue of the License, and for the second and every subsequent year on any sitting day of the Board between the Twentieth day of April and the First day of May, inclusive; and every Pasturage License not renewed by Payment of the required fee on or before the First day of May shall, unless good cause to the contrary be shown to the satisfaction of the Waste Lands Board, be considered as abandoned.

52. Every Pasturage License shall be in the form set forth in the Schedule C to the Waste Lands Regulations, and shall be transferable by endorsement in the form set forth in such Schedule, and such transfer shall be deemed to be complete upon notice thereof being duly given to the Waste Lands Board, and not before. A Pasturage License shall entitle the Holder thereof to the exclusive right of pasturage over the land specified therein upon the terms above stated. Such License shall be renewed by endorsement from year to year, until the land specified therein shall be purchased, granted, or reserved under these Regulations; and the fee to be paid in respect of such License shall not be altered until the First day of May, one thousand eight hundred and seventy. Such License shall give no right to the soil or to the timber, and shall immediately determine over any land which may be purchased, granted, or reserved under these Regulations. A reasonable right-of-way shall be allowed through all pasturage runs.

65. The Applicant for any rural land included in any Pre-emptive Right shall deposit with the Treasurer of the Waste Lands Board a sum equal to Four Shillings per acre of the purchase money, and the remainder he shall pay within one week from the date of his application being granted, or forfeit such deposit. Such deposit, however, shall be immediately returned on demand, if the Holder of the Pre-emptive Right shall give notice of his intention to purchase any portion of the Land applied for, and pay the requisite deposit.

66. If the Holder of the Pre-emptive Right decide upon purchasing any portion of the land applied for, he shall forthwith pay to the Treasurer of the Waste Lands Board a deposit of Four Shillings per acre of the purchase money of such portion; and, if he shall not within six weeks thereafter have paid the remainder of the purchase money, he shall forfeit such deposit together with all right or title to the land.

If the Holders of any Pre-emptive Rights other than those created by Clause 60 of the Waste Lands Regulations shall neglect or refuse to purchase any portion of the land applied for, such portion shall, from and immediately after such neglect or refusal, be released from all right of pre-emption and open to purchase on the terms of these Regulations, as if the same had not been included in any Pre-emptive Right.

71. All payments on account of pasturage runs shall in future be made on or before the First day of May, in accordance with Clause 51, at the Land Office, at Christchurch, and the Waste Lands Board shall sit at that place for the Treasurer to receive the same.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 11th February 1858, and reserved for the Governor's assent. He disallowed this Ordinance and a copy of the Colonial Secretary's letter to the Superintendent appears below.

"[Copy]

*Colonial Secretary's Office,
Auckland.
April 23, 1858.*

Sir,

With reference to the Bill (forwarded in your Honor's Letter, No. 11, of the 24th ultimo) passed by the Provincial Council of Canterbury, entitled the "Waste Lands Regulations Amendment Ordinance," I have to inform your Honor that in consequence of the intimation which has been received from the Secretary of State for the Colonies (and which was notified to you in my Letter, No. 134, of the 13th inst.), to the effect that Her Majesty had been advised to disallow the "Waste Lands Act, 1856," the Ministers of the Crown in this Colony could not advise His Excellency the Governor to assent to the Bill referred to, which is founded upon that Act.

In consequence of that disallowance, Measures will be proposed by the Government during the present Session of the General Assembly for regulating the management of the public lands of the Colony.

*I have the honor to be,
Sir,
Your very obedient Servant,
(Signed) E.W. Stafford.*

*His Honor
The Superintendent of Canterbury.*

2. The Inwood Mill Ordinance 1858

Whereas Daniel Inwood is desirous of erecting a flour mill upon a certain piece of land lately purchased by him from the Crown, situate upon an island in the River Avon, opposite to Oxford Terrace West, in the Town of Christchurch, and for such purpose is desirous of constructing a dam across the said river from the said island to the banks of the said river on either side, as now delineated and shewn on the Chief Surveyor's Map of the said Town: And Whereas the said Daniel Inwood is willing, in consideration of being permitted to construct the said dam and a mill race, and to enjoy the free use of the water of the said river for the purpose of working the said mill, to erect such mill, and to make the mill dam, subject to certain specifications to be approved of by the Provincial Engineer of the Province of Canterbury for the time being, and also at his the said Daniel Inwood's own cost to make a safe and commodious cart bridge across the said river, adjacent to the said mill: And whereas it is expedient that permission should be given to the said Daniel Inwood, his heirs or Assigns, to work such mill as aforesaid, subject to the conditions hereinafter contained:

Be it therefore enacted by the Superintendent of the Province of Canterbury, by and with the consent of the Provincial Council thereof as follows:—

1. Daniel Inwood to be allowed to put a mill on the river Avon.

It shall be lawful for the said Daniel Inwood, his Heirs or Assigns, at any time from and after the passing of this Ordinance, to make and maintain a mill race and mill dam in the said river at any part thereof situate between the said piece of land and the banks of the said river adjacent, and to put a mill wheel or wheels in the said river, and to have and exercise at all times during the period of thirty years from the date of the passing of this Ordinance the right to use the water of the said river for the purpose of such mill without let or hinderance from any person or persons whomsoever.

2. Flow of water not to be raised more than three feet above the present level.

It shall not be lawful for the said Daniel Inwood, his Heirs or Assigns, by such dam, or by any obstruction in the said river, to raise the flow of the water thereof more than three feet above its present level; such new level to be ascertained and determined by a permanent stone mark, to be fixed and maintained by the Owners and Occupiers for the time being of the said mill, upon the bank of the said river, under direction of the Provincial Engineer of the said Province, but at the sole cost of the said Daniel Inwood, his Heirs or Assigns.

3. Mill-race, dam, and cart-bridge to be made within two years, and kept in repair. This Ordinance not to protect Daniel Inwood against damages on account of injury done to private property or public roads.

The said mill race, mill dam, and cart bridge, respectively, shall be erected and made to the satisfaction of the said Provincial Engineer within the space of two

years from the passing of this against Ordinance, and the said mill race and mill dam and bridge shall be from time to time maintained and kept in repair to the satisfaction of the Provincial Engineer, at the sole cost of the said Daniel Inwood, his Heirs, or Assigns. Provided that nothing herein contained shall be deemed or construed to protect or indemnify the said Daniel Inwood, his Heirs, Executors, Administrators, or Assigns, against any costs, damages, or expenses which may be incurred by him or them for or on account of injury done or caused to the property of any private individual, or to any public road, by or by reason of the said mill dam or mill race, respectively, or either of them.

4. The same to be removed if the river be required for navigation.

If at any time it shall appear expedient to the Superintendent and Provincial Council of the Province of Canterbury, for the purpose of promoting the free navigation of the said river, to remove the said mill race or mill dam, it shall be incumbent upon the said Daniel Inwood entirely to remove such mill race and mill dam within twelve months after he shall have received notice in writing to that effect from the Superintendent.

5. Superintendent and Provincial to authorise the diversion of the water of the river above the mill-dam if so required for public purposes.

Nothing herein contained shall prevent the Superintendent and Provincial Council to authorise the taking out or diversion at any point above the said mill dam of such portion of the water of the said river as may be required for any public purpose, or for the use and benefit of the public.

6. If conditions contained in this Ordinance not enforced by the Millowner, this Ordinance to become void.

If at any time from and after the passing of this Ordinance, the said Daniel Inwood, his Heirs or Assigns, or other the Owners or Occupiers for the time being of the said mill, shall neglect or decline to perform the conditions hereinbefore contained on his or their part to be performed for the space of one calendar month after having been required so to do by notice, in writing, from the Superintendent of the said Province for the time being, then, from and after the expiration of the said period of one calendar month, and such neglect or refusal as aforesaid, this Ordinance shall become void and of no effect.

7. Title.

This Ordinance shall be intituled and may be cited as "The Inwood Mill Ordinance, Session IX., No. 2."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 11th February 1858, and reserved for the Governor's assent. Governor Gore Browne assented to it on 23rd April.

3. The Canterbury Association Reserves Amendment Ordinance 1858

Whereas by an Ordinance of the Superintendent and Provincial Council of the Province of Canterbury, entitled the "Canterbury Association's Reserves Ordinance, Session V., No. 2," it is enacted that such of the buildings, lands, tenements, and hereditaments as are described in the Schedule thereto, comprising amongst others the town reserves (except a certain portion thereof, which the Superintendent was thereby empowered to convey by way of free Grant as a site for certain buildings for a Clergyman and Schoolmaster in connexion with the Free Church of Scotland,) should be disposed of by way of lease or sale in manner therein mentioned: And Whereas by an Ordinance of the Superintendent and Provincial Council of the said Province, entitled the "Canterbury Association's Reserves Amendment Ordinance, Session VIII., No. 11," the said "Canterbury Association's Reserves Ordinance" was amended: And Whereas it is expedient that the said last mentioned Ordinance should be further amended:

Be it therefore enacted by the Superintendent of the said Province, with the advice and consent of the Provincial Council thereof, as follows:

1. Repealing Clause.

From and after the passing of this Ordinance, so much of the last recited Ordinance as relates to a Conveyance by free Grant of a portion of the land known as the town reserves of Christchurch, to be held in trust as a site for a Roman Catholic chapel and schools, shall be and the same is hereby repealed.

2. Grant of town reserves to Bishop of Christchurch, as sites for churches, schools, &c.

It shall be lawful for the Superintendent to convey, by way of free Grant to the Bishop of Christchurch and his Successors those portions of the said town reserves described in the Schedule to this Ordinance, and therein numbered 1 and 2, to be held by the said Bishop, his Successors and Assigns, upon trust, as sites for churches, schools, and parsonages, for the use of Members of the Church in communion with the Church of England and Ireland, as by Law established: Provided that it shall be a condition of the said Grant, that if the said lands be not occupied for the purpose aforesaid within ten years from the passing of this Ordinance, or shall at any time thereafter cease to be so occupied, the said lands shall revert to the Superintendent as though the said Grant has never been issued.

3. Grant to Head resident in New Zealand of the Church of Rome.

It shall be lawful for the Superintendent to convey, by way of free Grant, to the Bishop for the time being, or other the Head resident in New Zealand of the Church in communion with the Church of Rome, and his Assigns, that portion of the town reserves described in the said Schedule and numbered 3, to be held in trust as a site for a place of worship for the use of Members of the said Church of Rome, and also for a school and parsonage for the use of Members of the same Church, or for any of the said last mentioned purposes: Provided that it shall be a condition of the said Grant, that if the said lands be not occupied for the purpose aforesaid within ten years from the passing of this Ordinance, or shall at any time thereafter cease to be so occupied, the said lands shall revert to the Superintendent as though the said Grant had never been issued.

4. Grant to the Superintending Minister of the Australasian Wesleyan Methodist Church in the Canterbury Province.

It shall be lawful for the Superintendent to convey, by way of free Grant, to the Superintending Minister for the time being of the Australasian Wesleyan Methodist Church in the Canterbury Province and his Assigns, that portion of the said town reserves described in the last mentioned Schedule and numbered 4, to be held in trust as a site for a place of worship for the use of Members of the said last mentioned Church, and also for a school and Minister's residence for the use of the Members of the same Church, or for any of the said last mentioned purposes: Provided that it shall be a condition of the said Grant, that if the said lands be not occupied for the purpose aforesaid within ten years from the passing of this Ordinance, or shall at any time thereafter cease to be so occupied, the said land shall revert to the Superintendent as though the said Grant had never been issued.

5. Grants, &c., to be made under seal of Province.

All Grants and Conveyances hereby authorised to be made shall be made by and in the name of the Superintendent, and shall be executed under the public seal of this Province.

6. Title.

This Ordinance shall be entitled and may be cited as "The Canterbury Association's Reserves Amendment Ordinance, 1858, Session XI., No. 3."

Schedule.

No. 1. Three Acres, bounded on the north by the Town Belt, on the south by Lot 152, on the east by unsold portions of the town reserves, and on the west by Manchester street north.

No. 2. Three Acres, bounded on the north by Lot 13, on the east by Lot 18, on the south by the Town Belt, and on the west by a road leading from the Lincoln road to the Town Belt.

No. 3. Three Acres, bounded on the north by Lot 10, on the south by the Town Belt, on the east by Lot 147, and on the west by Barbadoes street south.

No. 4. Three Acres, bounded on the north by Lot 11, on the south and east by the Town Belt, and on the west by unsold portions of the town reserves.

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 16th February, 1858, and assented by the Superintendent on 25th February, 1858.

4. The Slaughter House Amendment Ordinance 1858

Whereas by an Ordinance made by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, entitled the "Slaughter House Ordinance, Session VIII., No. 5," it is enacted [Section 7.]: "Every such License shall be in force for one year from the date thereof; and the person to whom the same shall be granted shall pay to the Clerk of the Bench the sum of Two Shillings and Sixpence for every such License : " And Whereas it is desirable that the said recited Section should be repealed, and that other provision should be made in lieu thereof, and that the provisions of the said Ordinance should be extended:

Be it therefore enacted by the Superintendent of the Province of Canterbury, by and with the advice and consent of the Provincial Council thereof, as follows:—

1. Repealing Clause.

So much of the said Ordinance as is hereinbefore recited shall be and the same is hereby repealed.

2. Particulars concerning Licenses.

Every License granted under Section 6 of the said recited Ordinance shall authorize either the slaughtering of horned or neat cattle only, or of both horned or neat cattle and sheep, goats, or swine, and shall be in force for such period, not exceeding one year, and be subject to such conditions as to the Justices granting the same shall seem fit. The person to whom any such License shall be

granted shall pay to the Clerk of the Bench the sum of Two Shillings and Sixpence for the same.

3. Form of License.

Every such License shall be as nearly in the form contained in Schedule A to the said recited Ordinance as the provisions of Section 2 of this Ordinance will admit.

4. Inspection of Slaughter Houses by Justices of the Peace.

It shall be lawful for any Justice of the Peace, and for any Constable authorized by writing, under his hand, from time to time, as any such Justice shall see occasion, to visit and inspect any Slaughter House or place which may be situated within the boundaries of any district to be constituted under Section 1 of the said recited Ordinance, and to give such directions concerning the cleansing of any such Slaughter House or place, both within and without, as to him shall seem needful.

5. Fines.

If any Butcher, or the Owner or Occupier of any such Slaughter House or place, shall obstruct or molest such Justice or Constable in the inspection thereof, or shall refuse to comply with such directions within a reasonable time, every such person shall, on conviction, upon the information of any such Justice or Constable, forfeit and pay for every such offence or neglect any sum not exceeding Ten Pounds nor less than Two Pounds.

6. Interpreting Clause.

This Ordinance shall be interpreted as, and be considered a part of the " Slaughter House Ordinance, Session VIII., No. 5."

7. Title.

This Ordinance shall be entitled and may be cited as the " Slaughter House Amendment Ordinance, Session IX., No. 4."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 17th February, 1858, and assented by the Superintendent on 24th February, 1858.

5. The Lyttelton Customhouse Reserve Ordinance 1858

Whereas by an Ordinance of the Superintendent and Provincial Council of Canterbury, entitled the " Canterbury Association's Reserves Ordinance,

Session IV., No. 6," and by virtue of a certain Deed in the Schedule a thereunto annexed, a certain piece or parcel of land mentioned and described in the Schedule B thereunto annexed as the " Custom House Reserve," and more particularly delineated and shown in the Chief Surveyor's Map of the town of Lyttelton, is vested in the Superintendent of the said Province, to be held by him, in trust, for the public uses thereof, in accordance with the provisions of a certain Act of the General Assembly of New Zealand, entitled the "Public Reserves Act," one thousand eight hundred-and fifty-four."And Whereas it is expedient that the said Custom House Reserve should be vested in his Excellency the Governor of New Zealand and his Successors, to be used as a site for a Custom House, Post Office, and such other public buildings, and to be used for such other public purposes as my from time to time be found necessary for the service of the General Government within the said Province:

Be it therefore enacted by the Superintendent of the said Province, by and with the advice and consent of the Provincial Council thereof, as follows:—

1. The piece of land known as Custom-House Reserve to be vested in the Governor of New Zealand and Successors, on trust, as site for Custom House, Post Office, &c.

The piece or parcel of land commonly known as the Custom House Reserve, Lyttelton, and described in the Schedule B aforesaid, shall be and hereby is vested in the Governor of New Zealand and his Successors, for ever, upon trust; that the said piece or parcel of land shall be used as a site for the erection of a Custom House, Post Office, and such other public buildings, and for such further purposes as may be found necessary to the service of the General Government within the Province of Canterbury.

2. Land to be used only for certain purposes.

The said land shall be used for no other purposes whatsoever but those herein expressed, excepting only by agreement between the General and Provincial Governments, approved by Resolution of the Provincial Council of the said Province.

3. Governor may set apart so much as may be required for road-way, &c.

Provided always that so much of the said land as may at any time hereafter be required for the construction of a wharf or quay, or of roadways leading to the beach, may be defined and set apart by the Governor; due notice thereof being published in the Government Gazette as soon as may be.

4. If the said piece of land be not occupied as aforesaid, it shall revert to the Superintendent.

Provided also, that if the said piece of land be not occupied for the purposes aforesaid, and a sufficient and commodious Custom House and Post Office erected thereon within three years from the passing of this Ordinance, or shall at any time cease to be so occupied (except in the event provided for in Section 2

of this Ordinance), the said piece of land shall revert to the Superintendent, as though this Ordinance had not been passed.

5. Title.

This Ordinance shall be entitled and may be cited as the " Lyttelton Custom House Reserve Ordinance, Session IX., No. 5, 1858."

Notes.

This Ordinance was passed by the Canterbury Provincial Council on 23rd February, 1858, and assented by the Superintendent on 24th February, 1858.

6. The Appropriation Ordinance 1858

Title.

1. Appropriation of Provincial Revenue for Half-year ending 30th September 1858.
2. Provincial Treasurer, etc., shall issue and be allowed credit for the sums appropriated.
3. Title.

Notes

This Ordinance was passed by the Canterbury Provincial Council on 23rd February, 1858, and assented by the Superintendent on 24th February, 1858. The sum voted for the half-year commencing 1st April and ending 30th September 1858 was £54,518 5s. 11d.

Session X 1858 (October to December 1858)

1. Canterbury Police (Offences) Ordinance 1858

Whereas an Ordinance was passed on the Twenty-second day of June, one thousand eight hundred and forty-nine, by the Lieutenant-Governor and Legislative Council of New Munster, entitled an "Ordinance to increase the efficiency of the Constabulary Force." And whereas it is expedient that the said recited Ordinance should, so far as the same relates to the Province of Canterbury, be repealed, and provision made in lieu thereof: Be it therefore